

Appl. No. 09/917,505
Atty. Docket No. CM2016MC
Amdt. Dated September 2, 2004
Reply to Office Action June 28, 2004
Customer No. 27752

REMARKS

No Amendments to the instant claims are presented in this response to the Office Action dated June 28, 2004. Claims 1-14 and 19 remain pending in the instant Application and are presented for the Examiner's reconsideration in light of the following comments.

Rejections Under 35 U.S.C. §102 / 35 U.S.C. §103

Claims 1-11, 13, and 14 have been rejected under 35 U.S.C. §102(a) as anticipated by, or in the alternative under, 35 U.S.C. §103(a) as obvious over Cinelli, et al., World Publication WO 98/28014. Claims 1-11, 13, and 14 have been rejected under 35 U.S.C. §102(a) as anticipated by, or in the alternative under, 35 U.S.C. §103(a) as obvious over Cinelli, et al., World Publication WO 98/28021. Previous arguments made with respect to both *Cinelli* references remain in effect but will not be repeated for the sake of brevity. Applicants respectfully traverse the instant rejections and request reconsideration by the Examiner.

In the attached Declaration provided under 37 C.F.R. §1.132, the Declarant, Stephen Allen Goldman, declares that, "Physical crosslinking is exemplified in [the *Cinelli* references] 'when chemical crosslinks are formed in the system, a crosslinking agent can be present preferably in quantities up to 5% by weight. Chemical crosslinking can be formed also by mutual neutralisation of polymers having different functionalities as in the reaction between acid polyacrylics and polysaccharides.'" Dr. Goldman goes on to state that, "In fact, it is clear from the teachings of the [*Cinelli* references] that the crosslinks are formed from physical and/or chemical interactions between 'pre-formed' polymers. One of skill in the art would realize that the crosslinking agent referred to in both the [*Cinelli* references] is added to pre-formed polymers to form chemical crosslinks." Thus, Dr. Goldman concludes that, "As can be seen from the above, there is no teaching in the *Cinelli* references of forming crosslinks between polymer molecules *during* the polymerization of these polymer molecules."

Dr. Goldman also states that, "It is well known in the art that crosslinks formed during polymerization result in polymer networks having properties that differ from those of polymer networks formed by crosslinking pre-formed polymers, even if the polymers are formed from the same monomers." Dr. Goldman continues by stating, "In the instant Application, it is the stability and insensitivity of the crosslinked network to an increase in the moisture content of the adhesive that are essential to sufficiently minimize the impact of moisture absorption on the intrinsic characteristics of the adhesive that impact peel strength." Dr. Goldman concludes, "In recognition of this need, all of the adhesives in the examples of the instant Application are

Appl. No. 09/917,505
Atty. Docket No. CM2016MC
Amdt. Dated September 2, 2004
Reply to Office Action June 28, 2004
Customer No. 27752

prepared via the use of low energy radiation (i.e., UV irradiation) in order to form chemical crosslinks during polymerization that are stable in the presence of added moisture." Applicants respectfully believe Dr. Goldman's Declaration speaks for itself. Therefore, the cited *Cinelli* references fail to teach, disclose, or suggest each and every element of Applicants' claimed invention. Thus, Applicants respectfully request withdrawal of the Examiner's 35 U.S.C. §102(b) and 35 U.S.C. §103(a) rejections with respect to Claims 1-14 and 19 of the instant Application over both of the cited *Cinelli* references.

Additionally, the Examiner has stated previously that, "Although *Cinelli*, et al. describes formation of chemical crosslinks by condensation reactions or via added crosslinking agents, the references fail to mention irradiative methods for effecting chemical crosslinking." Since Applicants claim an adhesive formed from a polymer that is at least partially crosslinked during the polymerization by lower energy radiation, each of the *Cinelli* references is insufficient to maintain a 35 U.S.C. §102(a) rejection. "Anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art of each and every limitation of a claimed invention." See *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 57 U.S.P.Q. 2d 1057 (Fed. Cir. 2000) (citing *Electromed Systems, S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 U.S.P.Q. 2d 1017, 1019 (Fed. Cir. 1994)). Therefore, Applicants respectfully request withdrawal of the Examiner's rejection to Claims 1-14 and 19 under 35 U.S.C. §102(a) herewith.

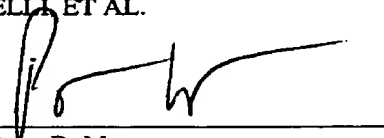
Conclusion

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims is in condition for allowance and favorable reconsideration is requested.

This response is timely filed pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,
CINELLI ET AL.

By


Peter D. Meyer
Attorney for Applicant
Registration No. 47,792
(513) 634-9359

September 2, 2004
Customer No. 27752